

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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PETER RUPP,

*Plaintiff,*

-against-

**NOTICE OF MOTION**

9:24-cv-00394  
(GTS/ML)

ASAT M.J. YOUNIS; SGT R.B.  
HOWARD; SGT SHORT; CORRECTION  
OFFICER RASTANI; CORRECTION  
OFFICER ATCHER; CORRECTION  
OFFICER JOHN DOES #1-10,

*Defendants.*

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Motion By:

LETITIA JAMES  
Attorney General of the State of New York  
Attorney for Defendants

By: Elizabeth Lombardi, Esq.  
Assistant Attorney General, of Counsel  
Bar Roll No. 520633

Time and Place of Hearing:

\_\_\_\_\_, at 10:00 a.m. before United  
States District Court Judge Glenn T. Suddaby  
to be held at the United States District  
Courthouse in Syracuse, New York, **upon  
submission only.**

Relief and Basis:

An Order pursuant to F.R.C.P. § 12(b)(6)  
dismissing Plaintiff's complaint against  
defendants, with prejudice, and for such other  
and further relief as the Court deems just and  
proper.

Supporting Papers:

Declaration of Attorney Elizabeth  
Lombardi; Defendants'  
Memorandum of Law.

Dated: Syracuse, New York  
June 27, 2024

LETITIA JAMES  
Attorney General of the State of New York  
Attorney for Defendants  
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By: /s/ Elizabeth Lombardi  
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To: Sara Wolkensdorfer, Esq., *via CM/ECF*